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7 *Apple Inc.*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 BRADY MARK ABBOTT,

11 Plaintiff,

12 vs.

13 APPLE, INC.,

14 Defendant.

Case No. 2:22-cv-00423-RFB-BNW

**STIPULATION AND ORDER TO STAY
DISCOVERY**

(FIRST REQUEST)

16 Plaintiff Brady Mark Abbott (“Plaintiff”) and Defendant Apple Inc. (“Defendant”), by and
17 through their respective counsel of record, hereby stipulate and agree as follows:

18 1. Plaintiff initiated this action on March 7, 2022. ECF No. 1. The Complaint did not
19 label causes of action.

20 2. Defendant filed its Motion to Dismiss Plaintiff’s Complaint on June 10, 2022. ECF
21 No. 8.

22 3. Plaintiff opposed the Motion to Dismiss and requested leave to amend the
23 Complaint on July 26, 2022. ECF No. 21. Defendant filed a Reply in support of its Motion to
24 Dismiss, which included an opposition to Plaintiff’s request to amend the Complaint, on August
25 9, 2022. ECF No. 24.

26 4. The Motion to Dismiss and request to amend are currently pending before the
27 Court.

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5. Given the contents of the operative Complaint (which does not label a claim), the parties cannot effectively begin discovery absent Court orders on the pending Motion to Dismiss (ECF No. 8) and the pending request to amend the Complaint (ECF No. 21).

6. Accordingly, to conserve the time and resources of the parties, the parties request the Court stay discovery pending a decision on Defendant's Motion to Dismiss (ECF No. 8) and Plaintiff's request to amend the Complaint (ECF No. 21).

7. If the Court grants this stipulation, the Parties agree that Defendant's Motion to Stay Discovery Pending Decision on Motion to Dismiss (ECF No. 25) shall be denied as moot.

8. This request is made in good faith and not for the purpose of delay.

Dated this 24th day of October, 2022.

JACKSON LEWIS P.C.

/s/ Kristina Holman
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Attorneys for Plaintiff

Attorneys for Defendant

ORDER

IT IS ORDERED that ECF No. 27 is GRANTED.

IT IS FURTHER ORDERED that ECF No. 25
Defendant's Motion to Stay Discovery is DENIED as
moot.

IT IS SO ORDERED

**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**